

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:13-CV-527-BO

U.S. TOBACCO COOPERATIVE, INC., )  
*et al.*, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
BIG SOUTH WHOLESALE OF )  
VIRGINIA, *et al.*, )  
 )  
Defendants. )

ORDER

This cause comes before the Court following modification of its December 7, 2016, order lifting the seal to reflect that redactions and pseudonyms shall be used in place of the real identities of “Target A,” John Doe, and related entities. The parties have complied with the Court’s order and have filed a list of documents which contain information or identities requiring pseudonym-substitution or redaction or would not otherwise be appropriately unsealed. Specifically, the government has provided a list of documents which will require refile with redactions, DE 818, plaintiffs have moved to withdraw or modify pending motions to seal, DE 814 & 815, defendants Johnson and Daniel have filed their statements of support for the position of the United States on the issues related to unsealing, DE 812 & 813, and defendants Carpenter, Small, and the Big South corporate entities have notified the Court of their election not to appeal the orders unsealing much of the information that has been sealed to date. DE 811.

For good cause shown, plaintiffs’ request to withdraw the following pending motions to seal is ALLOWED: DE 660, 669, 681, 689, 716, 729, 755, 770, and 774. The clerk is DIRECTED

to terminate these motions as pending on the docket. Plaintiffs' request that the memoranda at DE 659, 668, 672, 680, 688, 708, 715, 728, 754, 769, 773, 778, 798, and 805 be unsealed is also ALLOWED. The clerk is DIRECTED to unseal these documents in their entirety. Finally, plaintiffs' request that the following motions to seal be modified to reflect that rather than seal the related document in its entirety plaintiffs seek only to redact that information which the Court has previously determined should be redacted: DE 673, 709, 779, 799, and 807. This request is also ALLOWED. These motions to seal are hereby MODIFIED to reflect that redaction of information in DE 671, 707, 777, 797, and 806 and their attachments is necessary. The motions to seal at DE 673, 709, 779, 799, and 807 are therefore ALLOWED, and, as discussed more fully below, plaintiffs are ORDERED to file redacted versions of DE 671, 707, 777, 797, and 806 and their attachments.

The government has identified ninety-one documents which will require redaction or pseudonym-substitution. The documents requiring redaction provided by the government are:

DE 1, 14-15, 23, 30, 49, 76, 90, 97, 101, 103, 135, 139, 151, 164, 165, 166, 167, 168,  
196,  
200, 204, 214, 293,  
360, 349, 371, 377, 383,  
405, 408, 409, 427, 436, 437, 438, 440, 443, 448, 449, 451, 454, 456, 457, 460,  
461, 462, 463, 465, 468, 478,  
500, 502, 507, 522, 534, 553, 557, 570, 579, 596,  
604, 605, 608, 611, 614, 618, 621, 632, 633, 634, 640, 643, 644, 648, 649, 653,  
654, 662, 671,  
707, 732, 737, 777, 784, 786 (should remain *ex parte*), 787 (should remain *ex parte*), 797,  
804, 806, and 815.

The following documents identified by the government are not currently under seal; those documents which are redacted versions of other documents filed under seal are noted in bold italics: DE 15; 596; ***604; 614; 621, 632, 633, 634, 643, 653, 654***. As DE 15 and 596 are already on the public docket, the Court finds no basis to require that they be refiled with redactions

or pseudonym-substitution; however, the aforementioned redacted documents *shall* be refiled to comply with the Court's order regarding the specific, limited information which requires redaction or pseudonym-substitution, with the remainder of the information in these documents made available on the public docket. Doe's motion to seal at DE 789 is GRANTED. The motions at DE 814, 815, and 816 are also GRANTED. Plaintiffs' motion at DE 804 is DENIED AS MOOT.

### CONCLUSION

In summary, plaintiffs' request to withdraw the following pending motions to seal is ALLOWED: DE 660, 669, 681, 689, 716, 729, 755, 770, and 774. The clerk is DIRECTED to terminate these motions as pending on the docket. Plaintiffs' request that the memoranda at DE 659, 668, 672, 680, 688, 708, 715, 728, 754, 769, 773, 778, 798, and 805 be unsealed is also ALLOWED. The clerk is DIRECTED to unseal these documents in their entirety. The motions to seal at DE 673, 709, 779, 799, and 807 are ALLOWED AS MODIFIED and plaintiffs are ORDERED to file redacted versions of DE 671, 707, 777, 797, and 806 and their attachments. Doe's motion at DE 789 is GRANTED. The motions at DE 814, 815, and 816 are GRANTED. Plaintiffs' motion at DE 804 is DENIED AS MOOT.

Although the government has noted that some documents may require redaction of a single term, as the Court has no mechanism in place to redact filings on its docket, the parties are ORDERED to refile redacted versions of the documents identified by the government as containing information or identities which shall remain confidential. The parties are ORDERED to file redacted versions of the following documents:

DE 1, 14, 23, 30, 49, 76, 90, 97, 101, 103, 135, 139, 151, 164, 165, 166, 167, 168,  
196,  
200, 204, 214, 293,  
360, 349, 371, 377, 383,  
405, 408, 409, 427, 436, 437, 438, 440, 443, 448, 449, 451, 454, 456, 457, 460,  
461, 462, 463, 465, 468, 478,

500, 502, 507, 522, 534, 553, 557, 570, 579,  
604, 605, 608, 611, 614, 618, 621, 632, 633, 634, 640, 643, 644, 648, 649, 653,  
654, 662, 671,  
707, 732, 737, 777, 784, 786 (should remain *ex parte*), 787 (should remain *ex parte*), 797,  
804, 806, and 815.<sup>1</sup>

When refileing the identified documents, the parties shall use the redacted document event in CM/ECF and shall file each redacted document as a separate docket entry. The parties are cautioned to file flattened documents pursuant to the Court's CM/ECF Policy Manual. The parties shall consult with the government prior to refileing to ensure that the proper redactions have been made. Although his motion to intervene was denied, proposed-intervenor John Doe shall be served with a copy of this order and shall comply with its terms by filing redacted versions of any documents filed by him. All redacted and pseudonym-substituted versions of the above-listed documents shall be filed not later than July 7, 2017. Should any future filings contain information subject to redaction and pseudonym-substitution, the party shall file a redacted version as well as a proposed sealed unredacted version and an accompanying motion to seal; the motion to seal shall cite this order and the Court's 19 May 2017 order as the bases for requesting that a document remain sealed, unless any other bases for sealing a document are present.

The pending motions to seal at DE 666, 675, 685, 694, 706, 711, 719, 725, 743, 749, 761, 765, 783, 791, and 794 shall be WITHDRAWN by the filing party using the withdrawal of motion event in CM/ECF following compliance with the terms of this order and, at any event, prior to July 7, 2017. Documents currently filed under seal *ex parte* and for *in camera* review shall remain under seal subject to the filing of redacted versions as required above. DE 220, 221, 227, 344, 732, 734, 759, 786 (*in camera*), 787 (*in camera*).

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<sup>1</sup> These specific docket entries, which include those identified by plaintiffs as requiring redaction, will accordingly remain sealed on the docket.

The Clerk of Court shall begin to unseal all documents in this case which are currently under seal and which are not addressed by the foregoing provisions on July 10, 2017, following the parties' compliance with the terms of this order.

SO ORDERED, this 21 day of June, 2017.

  
TERRENCE W. BOYLE  
UNITED STATES DISTRICT JUDGE